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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/509,872

09/11/2000

Ian H. Duncan

98784-US

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23553

7590

08/24/2004

MARKS & CLERK

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CANADA

EXAMINER

NGUYEN, STEVEN H D

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/509,872

**Applicant(s)**

DUNCAN ET AL.

**Examiner**

Steven HD Nguyen

**Art Unit**

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. This action is in response to the amendment filed on 6/4/04. Claims 9 and 22 have been canceled and claims 1-8 and 10-21 are pending in the application.

***Drawings***

2. The drawings were received on 6/4/2004. These drawings are Fig 1, 2, 8 and 10-11.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As claims 5-6, "said VPN service" is vague and indefinite because it does not refer to any previous element.

There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-8 and 10-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuasa (USP 6085238) in view of Gilbrech (USP 6173399).

Yuasa discloses (Figs 1-66 and col. 1, lines 5 to col. 82, lines 43) a method and system for forwarding packets, the system comprising incoming and output service interfaces providing service to multiple user networks providing (Fig 1 and See col. 13, lines 18-60, col. 80, lines 65 to col. 81, lines 42) and supporting multiple protocols "MPOA, see col. 3, lines 15-25)" for providing service for packet and frame levels, MPOA management function (Fig 33, Ref 247a, See col. 46, lines 46-67), ATM switch (Fig 33, Ref 203a, See col. 46, lines 46-67) and managed by a single provider (Fig 33, Ref Network Management agent) and the service interface related to physical and logical connections includes multiple traffic flows from ingress port (Fig 1, 31, 33, traffic flows such voice and data via ports 41, 2301 of the switch by using physical and logical connection; See col. 1, lines 29-33 and col. 2, lines 10-17). However, Yuasa fails to disclose the system with multiple forwarding rules based on the routing information; receiving the packets at one of incoming service interfaces; selecting an appropriate forwarding rule based

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on a source address in the packets and forwarding the packets to one of the output service interfaces based on a destination address in the packet and information in the said forwarding rules; service interfaces supports realms each relating to a specific instance of internetworking service function; the specific instance is public internet access service; the specific instance is VPN service being a bridged and/or routed and network layer connectivity service. However, in the same field of endeavor, Gilbrech discloses (Figs 1-7 and col. 1, lines 10 to col. 10, lines 56) the system with multiple forwarding rules based on the routing information (Col. 6, lines 45-48, lookup table including a forwarding rules); receiving the packets at one of incoming service interfaces (Fig 3, Ref 310 or Fig 4, Ref 420); selecting an appropriate forwarding rule based on a source address in the packets and forwarding the packets to one of the output service interfaces based on a destination address in the packet and information in the said forwarding rules (Fig 3 or 4, the VPNU selecting a forwarding rule based on source address in the packet such as VPN traffic service, normal internet traffic service for forwarding to the destination node; See col. 6, lines 49 to col. 7, lines 51); service interfaces supports realms each relating to a specific instance of internetworking service function (Fig 3 or 4, Ref 340 and 440, encapsulating, encryption, compression, authenticating); the specific instance is public internet access service (Fig 3, Ref 330); the specific instance is VPN service being a bridged and/or routed and network layer connectivity service (Fig 3, Ref 340).

Since, Gilbrech suggests a method and system for forwarding the packets between the source and destination station in virtual private group or non virtual private group in the internet using the security function and Yuasa discloses a system for forwarding the packets between the source and destination station in virtual private group in the ATM network by using MPOA for

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passing internet packet over ATM network for enhancing a security. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for selecting a forwarding rule based on the source address for forwarding the data packet as disclosed by Gilbrech's system into Yuasa's system in order to provide a secure intra communication between the networks.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Macera (USP 5490252) discloses an internetworking system for exchanging the packets between networks by using forwarding rules in the filters.

Lakshman (USP 5951651) discloses an system for exchanging the packets between networks by using forwarding rules in the filters.


Shand (USP 6147976) discloses an internetworking system for exchanging the packets between networks by using forwarding rules in the filters.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
8/20/04